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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

jc525 U.S.P.T.O.  
09/454,689  
12/03/99



In re Applicant: §  
Vivek Kapil, Alwarkurichi Nagaraj, §  
and John R. Stevens § Group Art Unit: N/A  
§  
Serial No.: N/A § Examiner: N/A  
§  
Filed: December 3, 1999 §  
§  
Title: MESSAGING BETWEEN § Docket No: NORT-0010-US  
TERMINALS IN DIFFERENT § (10410RRUS01U)  
COMMUNITIES §

Assistant Commissioner of Patents and Trademarks  
Washington, DC 20231

PETITION UNDER 37 CFR § 1.47(a)

This is a petition under 37 CFR § 1.47(a) for the above-referenced application to be made by inventors Vivek Kapil and John R. Stevens on behalf of themselves and the non-signing inventor, Alwarkurichi Nagaraj. The following documents are enclosed in support of this Petition:

- (1) Combined Declaration and Power of Attorney;
- (2) Added Page to Combined Declaration and Power of Attorney for Signature by Joint Inventor(s) on Behalf of Nonsigning Inventor(s) who Refuses to Sign or Cannot be Reached (37 CFR 1.47(a))
- (3) Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor; and
- (4) Petition Fee Under 37 CFR § 1.17(i).

The Patent Office is authorized to charge any additional costs or fees associated with this petition to Deposit Account No. 20-1504 (NORT-0010-US).

Date: Dec. 3, 1999



Dan C. Hu, Reg. No. 40,025  
Trop, Pruner, Hu & Miles, P.C.  
8554 Katy Freeway, Suite 100  
Houston, TX 77024  
(713) 468-8880 [Ph]  
(713) 468-8883 [Fax]

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Express Mail Label NO. EL515088515US  
Date: December 3, 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	§	
Vivek Kapil, Alwarkurichi Nagaraj, and John R. Stevens	§	Group Art Unit: N/A
Serial No.: N/A	§	Examiner: N/A
Filed: December 3, 1999	§	
Title: MESSAGING BETWEEN TERMINALS IN DIFFERENT COMMUNITIES	§	Docket No: NORT-0010-US (10410RRUS01U)

Assistant Commissioner of Patents and Trademarks  
Washington, DC 20231

**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING  
INVENTOR (37 C.F.R. § 1.47)**

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

I, Dan C. Hu, residing at 4615 Spruce Street, Bellaire, Texas 77401, am a patent attorney representing the Assignee of the present application, Nortel Networks Corporation.

Starting in September 1999 and continuing through November 10, 1999, I made frequent calls to the last known work telephone number of Alwarkurichi Nagaraj. When I initially prepared the application, I was told by Vivek Kapil, a co-inventor, that Mr. Nagaraj was no longer employed by Nortel Networks Corporation. I was provided Mr. Nagaraj's last known work telephone number by Mr. Kapil.

Each time I called the telephone number provided to me, I was greeted by a voice mail message left by a person identifying himself as "Al Nagaraj." Each time I would leave a message on the voice mail system requesting that the person call me at my office number. During September and October of 1999, I called Mr. Nagaraj's last known work number many times and left messages with him. In addition, I was able to obtain Mr. Nagaraj's last known home telephone

number, which I called at least several times during October and November 1999. No one answered the calls to the home phone number despite many rings.

On November 9, 1999, I called Mr. Nagaraj's last known employer, Marconi Communications, in the Dallas, Texas area, to determine if Mr. Nagaraj was still employed by Marconi Communications. I spoke with a person identified as being Mr. Nagaraj's supervisor, Leigh Ann Roberts, who informed me that Mr. Nagaraj was no longer employed with Marconi. I asked Ms. Roberts whether Mr. Nagaraj left a forwarding address or telephone number. I was told that she has no such information.

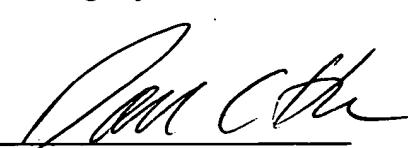
On October 21, 1999, I sent by certified mail (No. P223513435), with return receipt requested, a draft of the patent application to Mr. Nagaraj at his last known address: 3026 Beltline Road, Apt. 1914, Garland, Texas 75044. A copy of the cover letter for that correspondence along with a copy of the receipt for certified mail are attached to this statement as Exhibit A.

On November 12, 1999, the return receipt was returned to me, but it was signed by a person other than Mr. Nagaraj (see Exhibit B).

On the same date, I sent by U.S. Express Mail (No. EL44563207US) a copy of the final draft of the application with a declaration and assignment, with return receipt requested and restricted delivery. The transmittal letter and return receipt are attached as Exhibit C. The return receipt was returned more than three weeks later, signed by someone other than Mr. Nagaraj (see Exhibit D). Tracking information indicates that the letter was forwarded to 1714 Valley View Lane, #3053, Irving, TX 75061. However, there is no indication that Mr. Nagaraj is residing at that address.

During the more than three-month period from September to the filing of this application numerous efforts have been made by me to try to reach Mr. Nagaraj. However, such efforts have not been successful.

Date: Dec. 3, 1999

  
Dan C. Hu, Reg. No. 40,025  
Trop, Pruner, Hu & Miles, P.C.  
8554 Katy Freeway, Suite 100  
Houston, TX 77024  
(713) 468-8880 [Ph]  
(713) 468-8883 [Fax]

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US Postal Service  
**Receipt for Certified Mail**

No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

JCS25 U.S. PRO  
09/454689



Thank you for using Return Receipt Service.

<b>SENDER:</b> <ul style="list-style-type: none"><li>■ Complete items 1 and/or 2 for additional services.</li><li>■ Complete items 3, 4a, and 4b.</li><li>■ Print your name and address on the reverse of this form so that we can return this card to you.</li><li>■ Attach this form to the front of the mailpiece, or on the back if space does not permit.</li><li>■ Write "Return Receipt Requested" on the mailpiece below the article number.</li><li>■ The Return Receipt will show to whom the article was delivered and the date delivered.</li></ul>	
3. Article Addressed to:  <i>Mr. Alvar Kurichi Nagara 3026 Bettine Rd, Apt. A14 Garland, TX 75044</i>	I also wish to receive the following services (for an extra fee):  1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
4a. Article Number  <i>USPS 183513435</i>	4b. Service Type  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
5. Received By: (Print Name)	
6. Signature: (Addressee or Agent)  <i>X</i>	
8. Addressee's Address (Only if requested and fee is paid)	

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

12/03/99  
09/454689  
C525

**POST OFFICE  
TO ADDRESSEE**



The logo for USPS Express Mail. It features a stylized white 'E' and a white envelope icon on a black background. To the right, the word "EXPRESS" is written vertically in a bold, sans-serif font, and "MAIL" is written below it.

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**Customer Copy**  
Label 11-F July 1997

Label 11-F July 1997

## Mailing Label

Label 11-F July 1997

1861/120

U.S. MAIL - POSTAL USE ONLY			
PO ZIP Code <b>77055</b>		Day of Delivery	Flat Rate Envelope
Date In <b>11-12-99</b>	Mo. Day Year <b>4-26-00</b>	<input type="checkbox"/> Next <input type="checkbox"/> Second	Postage <b>\$ 15.25</b>
Time In hrs. <b>AM</b>	12 Noon <b>PM</b>	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Return Receipt Fee <b>\$ 1.25</b>
Weight lbs. <b>.05</b>	Int'l Alpha Country Code <b>DK</b>	COD Fee <b>\$</b>	Insurance Fee <b>\$ 1.25</b>
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <b>DK</b>	Total Postage & Fees <b>\$ 17.50</b>	
CUSTOMER USE ONLY METHOD OF PAYMENT: Express Mail Corporate Acct. No. Retail Agency Acct. No. or Retailer Acct. No.			
<p><b>SEE REVERSE SIDE FOR POLICY LIMITS ON INSURANCE COVERAGE</b></p> <p><b>WAVER OF SIGNATURE (Domestic Only)</b>: Additional merchandise insurance is paid if waiver of signature is requested.  <input type="checkbox"/> "Waiver of Signature" to be made without obtaining signature of addressee or addressee's agent (if delivery employee has no authority to accept delivery, can be left in secure location) and authorize that delivery employee's signature constitutes valid proof of delivery.</p> <p><b>NO DELIVERY</b>  <input type="checkbox"/> Weekend  <input type="checkbox"/> Holiday</p>			
FROM: (please print)  <b>TRE P PRUNER HU &amp; MILES 6554 KATY Fwy STE-100 HOUSTON TX 77024-1805</b>		TO: (please print)  <b>Mr. Alvin Lurich Nagara 3000 Belton Rd., Apt. 1514 Carroll, TX 75014</b>	
PHONE _____ PHONE _____ Customer Signature _____			

**PRESS HARD.** You are making 3 copies. **FOR PICKUP OR TRACKING CALL 1-800-222-1811** [www.usps.gov](http://www.usps.gov)

**N.Y.T.-0010-US**

**LL44JBJL**





**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Mr. Atwarkurichi Nagaraj  
3026 Beltline Rd., Apt. 1914  
Garland, TX 75044

**COMPLETE THIS SECTION ON DELIVERY**

## A. Received by (Please Print Clearly)

SUDHAKAR DHALAN

## B. Date of Delivery

11-30-99

## C. Signature

 Agent Addressee

## D. Is delivery address different from item 1?

If YES, enter delivery address below:

 Yes No

## 3. Service Type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

## 4. Restricted Delivery? (Extra Fee)

 Yes

## 2. Article Number (Copy from service label)

EL445653207US

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789